

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

ORDER

On January 23, 2003, movant was found guilty by a jury of the crime of armed bank robbery as charged in Count One of the indictment. A sentencing hearing was held on April 14, 2003, and judgment entered on April 15, 2003. Movant appealed his sentence and the judgment of this Court was affirmed on March 23, 2004. That judgment was filed with this Court on April 20, 2004. Thereafter, movant filed a motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 on April 15, 2005 (Doc. #1). Upon review of the pending motion, the Government's response in opposition (Doc. #8), and the movant's rebuttal (Doc. #10), the Court concludes the issues raised by movant are not supported by either the record or prevailing legal authority. The motion to vacate, set aside or correct this sentence pursuant to 28 U.S.C. Sec. 2255 (Doc. #1), filed April 15, 2005, is denied.

/s/Fernando J. Gaitan, Jr.
Fernando J. Gaitan, Jr.
United States District Judge

Dated: December 9, 2005
Kansas City, Missouri